

BOARD OF APPEALS CASE NO. 4923

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BEFORE THE

APPLICANT: David T. Kading

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ZONING HEARING EXAMINER

REQUEST: Variance to construct an addition within the required 40 foot front yard setback; 3923 Conowingo Road, Darlington

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 5/26/99 & 6/2/99

HEARING DATE: July 7, 1999

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Record: 5/28/99 & 6/4/99

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ZONING HEARING EXAMINER'S DECISION

The Applicant, David Kading, appeared before the Hearing Examiner requesting a variance to Section 267-35(B), Table III, of the Harford County Code, to construct an addition within the required 40 foot front yard setback in an RR District.

The subject parcel is located at 3923 Conowingo Road in the Fifth Election District. The parcel is identified as Parcel No. 424, in Grid 4-E, on Tax Map 19. The parcel contains .399 acres, more or less, all of which is zoned Rural Residential.

Mr. David Kading appeared and testified that he is requesting a variance to construct a one-story addition with dimensions of 12 feet by 30 feet. The witness said that at the closest point, the addition will be 13 feet from Maple Drive. Mr. Kading said the subject parcel is unique because it has frontage on Conowingo Road and Maple Drive. The witness said the only appropriate location for the proposed addition is on the side of the dwelling facing Maple Drive because the septic system is located in the front yard of the dwelling and the well is located to the rear. Mr. Kading said he did not believe the variance will be detrimental to adjacent properties or materially impair the purpose of the Code because no protestants appeared and testified against the request.

The Staff Report of the Department of Planning and Zoning recommends conditional approval and provides:

"The property has frontage on two roads and is subject to two front yard setbacks."

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CONCLUSION:

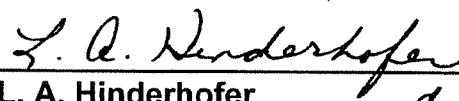
The Applicant is requesting a variance to Section 267-35(B), Table III, of the Harford County Code, to construct an addition within the required 40 foot front yard setback. The Applicant is proposing a 13 foot setback from Maple Drive. The Applicant testified the subject parcel is unique because it has frontage on Conowingo Road and Maple Drive, both requiring front yard setbacks and reducing the usable area on the parcel. The Applicant testified that he did not feel the variance would be detrimental to adjacent properties because no protestants appeared in opposition.

It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated by the Applicant in his testimony and, further, that approval of the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

Therefore, it is the recommendation of the Hearing Examiner that the requested variance be approved, subject to the following conditions:

1. The Applicant obtain all necessary permits and inspections for the addition.
2. The proposed setbacks shall not be further reduced.

Date AUGUST 5, 1999



L. A. Hinderhofer
Zoning Hearing Examiner